ORDINANCE NO. 2001 - 004

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE DEVELOPMENT AMENDMENT **00-SCA 90 RES 1 (JOG CENTRE 2/BELLA VERDE)**; MODIFYING PAGE 90 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 9.55 ACRES GENERALLY LOCATED ON THE EAST SIDE OF JOG ROAD, APPROXIMATELY 0.25 OF A MILE SOUTH OF BOYNTON BEACH BOULEVARD, FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on November 17, 2000, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of

County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on January 25,2001, to review the recommendations of the Local Planning Agency and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment complies with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Future Land Use Element's Future Land Use Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 90 is amended as follows:

Application No.:	**00-SCA 90 RES 1 (Jog Centre 2/Bella Verde)**
Amendment:	From Medium Residential, 5 units per acre (MR-5) to High Residential, 8 units per acre (HR-8);
General Location:	East side of Jog Road, approximately 0.25 of a mile south of Boynton Beach Boulevard;
Size:	Approximately 9.55 acres;

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect

the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provisions of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

This amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 25 day of January, 2001.

ATTEST:
DOROTHY H. WILKEN, Clerk

By _____
Deputy Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By _____
~~Chair~~
Warren H. Newell, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
COUNTY ATTORNEY

Filed with the Department of State on the 30th day of January, 2001.

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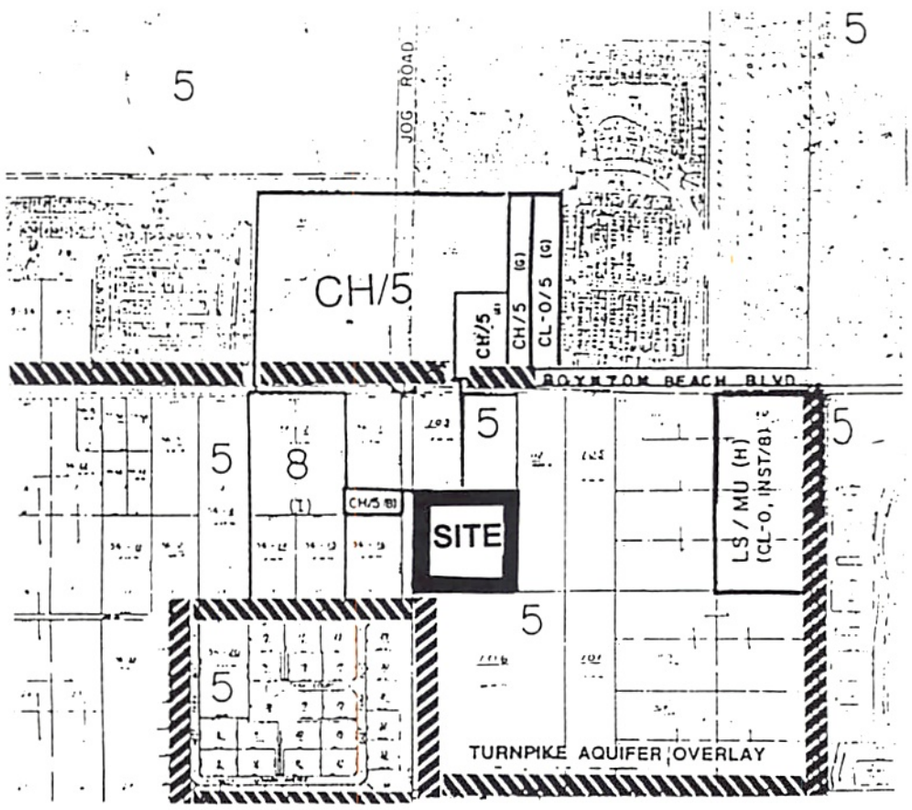
EXHIBIT 1

Amendment No.:	**00-SCA 90 RES 1 (Jog Centre 2/Bella Verde)**
FLUA Page No.:	90
Amendment:	From Medium Residential, 5 units per acre (MR-5) to High Residential, 8 units per acre (HR-8)
Location:	East side of Jog Road, approximately 0.25 of a mile south of Boynton Beach Boulevard
Size:	Approximately 9.55 acres
Property No.:	00-42-45-27-00-000-1070
Legal Description:	See attached
Condition:	None



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Legal Description:

The southwest quarter (SW 1/4) of the northwest quarter (NW 1/4) of the northeast quarter (NE 1/4) of Section 27, Township 45 South, Range 42 East, said lands situate, lying and being in Palm Beach County, Florida, less the west 40.0 feet thereof.

Said lands containing 9.5498 acres, more or less.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on January 25, 2001
DATED at West Palm Beach, FL on 2/13/01
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.